

**A RESOLUTION
BY COUNCILMEMBER ANNE FAUVER**

**A RESOLUTION SUPPORTING AND ENDORSING THE
PROPOSED RESOLUTION OF THE FULTON COUNTY
COMMISSION TO RESTRICT THE PRACTICE OF
CHAINING OR TETHERING DOGS IN FULTON
COUNTY; AND FOR OTHER PURPOSES.**

WHEREAS, the practice of chaining dogs induces intense boredom, loneliness, and isolation induced aggression; and

WHEREAS, these characteristics typically result in a territorial frustration and "mad dog" psychosis as evidenced by recent nationwide reports of aggression and fatal attacks; and

WHEREAS, chaining and tethering dogs interferes with their natural "fight or flight" response; and

WHEREAS, a recent study, authored in part by the federal Centers for Disease Control and Prevention ("CDC"), states that chained dogs are nearly three times more likely than untethered canines to bite or attack humans; and

WHEREAS, a 2002 CDC study showed that chained dogs killed as many children as gun accidents; and

WHEREAS, more than 100 communities across the county have laws specifically addressing dog-chaining; and

WHEREAS, multiple studies supported by the positions of a number of groups including the CDC, The Humane Society of the United States, and The American Veterinary Medical Association, have shown that biting dogs are significantly more likely to be chained; and

WHEREAS, it is in the best interest of the citizens and children of the City of Atlanta that dog-chaining and tethering be prohibited

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

The Council of the City of Atlanta hereby supports and endorses the proposed resolution of the Fulton County Commission (a copy of proposed resolution is hereto attached) to restrict the practice of chaining or tethering dogs in Fulton County.

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to forward a copy of this Resolution to the Fulton County Commission via the Office of the Clerk to the Commission.

1 **RESOLUTION TO AMEND ARTICLE VI OF CHAPTER 34 OF THE**
2 **FULTON COUNTY CODE OF ORDINANCES REGARDING RABIES**
3 **AND ANIMAL CONTROL SO AS TO RESTRICT TETHERING OF DOGS**

4 **WHEREAS**, the Fulton County Board of Commissioners has authority pursuant
5 to the Constitution of the State of Georgia, Article IX, § II, ¶ III(a)(3); O.C.G.A. § 31-19-
6 1, et seq.; O.C.G.A. § 4-11-1, et seq.; and O.C.G.A. § 4-8-20, et seq., to provide and
7 regulate animal control services and the keeping of animals within Fulton County; and
8

9 **WHEREAS**, state law permits the enactment and enforcement of local
10 ordinances by county governing authorities regarding animal control, so long as such
11 ordinances are at least as restrictive as existing state law; and

12 **WHEREAS**, Article VI of Chapter 34 of the Fulton County Code of Ordinances
13 provides the regulations, rules, procedures, and penalties for the control of animals within
14 unincorporated Fulton County; and

15 **WHEREAS**, the Board of Commissioners finds that permanently restraining a
16 dog by means of a tether or other restraint is cruel, unless such restraint is being held by a
17 competent person or the dog is otherwise attended by its owner or custodian; and

18 **WHEREAS**, the Board of Commissioners finds it desirable to amend and revise
19 Article VI of Chapter 34 of the Fulton County Code of Ordinances so as to improve the
20 administration of animal control services within Fulton County and to prevent the use of
21 permanent, fixed tethering of dogs;

22 **NOW, THEREFORE, BE IT RESOLVED**, that Section 34-196 (Definitions)
23 of the Fulton County Code of Ordinances is hereby amended to add the following new
24 definition:

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20 administration of animal control services within Fulton County and to prevent the use of
21 permanent, fixed tethering of dogs;

22 **NOW, THEREFORE, BE IT RESOLVED**, that Section 34-196 (Definitions)
23 of the Fulton County Code of Ordinances is hereby amended to add the following new
24 definition:

1 Tether means any chain, rope, leash, tie out, or wire designed to restrain
2 an animal which is attached to an animal or to an animal's collar or halter
3 and is also attached to a stationary object.
4

5 **BE IT FURTHER RESOLVED**, that Section 34-205(b) of the Fulton County
6 Code of Ordinances is hereby amended to add the following new subparagraphs (5) and
7 (6), to read as follows:

8 (5) It shall be unlawful for the owner, custodian, or harbinger of any dog
9 to restrain or anchor such animal by means of a tether. Notwithstanding
10 the prior sentence, a dog may be temporarily restrained by means of a
11 tether while the dog is attended by its owner, custodian, or harbinger.
12

13 (6) Any tether used to temporarily confine a dog while attended by its
14 owner, custodian, or harbinger as provided in subsection (5), above, must
15 be attached to a properly fitted collar or harness and shall not be wrapped
16 directly around the dog's neck. Such tethers shall not be excessively heavy
17 or weighted so as to inhibit the dog's movement.
18

19 **BE IT FURTHER RESOLVED**, that the codifier may renumber the Fulton
20 County Rabies and Animal Control Ordinance so as to appropriately accommodate this
21 amendment.

22 **BE IT FURTHER RESOLVED**, that this Resolution and Code amendment shall
23 become effective six (6) months from the date of adoption of this Resolution and that, as
24 of said effective date, all resolutions, ordinances and Code sections in conflict with this
25 Resolution and Code amendment are hereby repealed to the extent of the conflict.

26 **BE IT FURTHER RESOLVED**, that if any section, subsection, sentence,
27 clause, phrase, or portion of this Resolution and Code amendment is for any reason held
28 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
29 deemed a separate, distinct and independent provision, and such holding shall not affect
30 the validity of the remaining portions hereof.
31

SO PASSED AND ADOPTED, this ____ day of February, 2009.

SPONSORED BY:

Robert L. "Robb" Pitts, Commissioner
District 2, At-Large

ATTEST:

APPROVED AS TO FORM:

Mark Massey, Clerk to the Commission

R. David Ware, County Attorney

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